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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

No. O.A. 350/00013/2019

Date of order: 16.7.2019

Present : Hon'ble Dr. Nandita Chatterjee, Administrative Member

I, Upendra Paswan,
Designation : Sr. Translator,
s/o. Late Laddu Lal Paswan,
working in the Office of the CWM,
S.E. Railway, Workshop,
Kharagpur,
Residing at West Palaskola,
P.O. - Adra,
Dist. - Purulia - 723 121 (WB):

Applicant

VERSUS

1. Union of India represented through -
The General Manager,
S.E. Railway,
Garden Reach,
Kolkata - 700 043.
2. The Chief Personnel Officer,
S.E. Railway,
Garden Reach,
Kolkata - 700 043.
3. Smt. Asha Mishra,
Rajbhasha Adhikari,
S.E. Railway,
Garden Reach,
Kolkata - 700 043.
4. Smt. Kiran Bose,
Rajbhasha Adhikari,
S.E. Railway,
O/o. DRM,
Kharagpur - 721 301,
Dist. - W. Medinipur.
5. Shri Prem Kr. Bharti,
Rajbhasha Adhikari,
S.E. Railway,
DRM's Office,



Adra - 723 121,
Dist. - Purulia.

... Respondents

For the Applicant : In person

For the Respondents : Ms. D. Nag, Counsel

ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The applicant has approached the Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

"8.1 The instant impugn promotion and posting order for the post of Rajbhasha Adhikari may kindly be ordered to cancel with immediate effect and selection should be started afresh at the earliest, viewing the procedural irregularities as aforesaid.

8.2. Permission may be granted to furnish the documents further required in the instant case."

2. Heard the applicant in person. The respondents are represented by their Ld. Counsel. Examined documents on record. The matter is taken up at the admission stage.

3. The applicant's submissions, as made in person, is that, the applicant is a Sr. Translator with the respondent authorities. The applicant responded to a notification for selection of formation of panel for the post of Rajbhasha Adhikari Gr. B. Prior to the written test, a pre-selection coaching had been arranged by the administration. Although the coaching was according to the prescribed syllabus, the question papers, however, was out of syllabus. Consequently, although the applicant appeared at the written test on 1.12.2017, when the results were declared on 9.1.2018, five candidates were declared as qualified but the applicant's name was not included in the said list. According to the applicant, the questions were set by those who had no proficiency in Hindi and without knowledge of the syllabus. The applicant thereafter

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appealed to the General Manager vide his representation dated 23.8.2018 to look into the matter, which was not responded to as yet by the respondent authorities. Accordingly, being aggrieved, the applicant has approached the Tribunal.

4. Ld. Counsel for the respondents submits that initially the representation dated 23.8.2018 was not annexed with the original application and was not served upon the respondents. The applicant, however, would hand over the representation to the respondents in course of the hearing. The respondent's Counsel thereupon submits that there will be no objection on the part of the respondents to dispose of the representation in accordance with law.

5. Accordingly without entering into the merits of the matter and with the consent of the parties, I hereby direct the respondent No. 1, the General Manager, S.E. Railway, Garden Reach to dispose of the representation dated 23.8.2018 (Annexure A-3 to the O.A.), if received at his end, within a period of 8 weeks from the date of receipt of a copy of this order. The said authority shall decide in accordance with law and convey his decision in the form of a reasoned and speaking order to the applicant forthwith thereafter.

6. With these directions, the O.A. is disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

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